

# House Study Bill 508 - Introduced

HOUSE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON  
HUMAN RESOURCES BILL BY  
CHAIRPERSON SMITH)

## A BILL FOR

- 1 An Act relating to the diagnosis of substance-related disorders
- 2 and problem gambling or pathological gambling disorders.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 125.1, subsection 1, Code 2009, is  
2 amended to read as follows:

3 1. That substance abusers and persons suffering from  
4 ~~chemical dependency~~ substance-related disorders be afforded  
5 the opportunity to receive quality treatment and directed into  
6 rehabilitation services which will help them resume a socially  
7 acceptable and productive role in society.

8 Sec. 2. Section 125.2, subsection 2, Code 2009, is amended  
9 by striking the subsection.

10 Sec. 3. Section 125.2, subsection 17, Code 2009, is amended  
11 to read as follows:

12 17. "*Substance abuse*" means the use of chemical substances  
13 by persons suffering from ~~chemical dependency~~ substance-related  
14 disorders, persons who are incapacitated by a chemical  
15 substance, substance abusers, or chronic substance abusers.

16 Sec. 4. Section 125.2, Code 2009, is amended by adding the  
17 following new subsection:

18 NEW SUBSECTION. 19. "*Substance-related disorder*" means a  
19 condition involving either the abuse of or dependence on a  
20 chemical substance that is consistent with diagnostic criteria  
21 in the most recent version of the diagnostic and statistical  
22 manual of mental disorders of the American psychiatric  
23 association or in a comparable professionally recognized  
24 diagnostic manual.

25 Sec. 5. NEW SECTION. 125.80A **Substance-related disorders**  
26 **— diagnosis.**

27 A diagnosis of a substance-related disorder may be made  
28 by a certified alcohol and drug counselor certified by the  
29 nongovernmental Iowa board of substance abuse certification  
30 if the diagnosis is reviewed and agreed to by a licensed  
31 mental health professional as defined in section 228.1, while  
32 practicing within the professional's scope of practice.

33 Sec. 6. NEW SECTION. 135.149A **Problem gambling —**  
34 **pathological gambling — diagnosis.**

35 1. A diagnosis of either problem gambling or pathological

1 gambling may be made by a certified gambling counselor  
2 certified by the nongovernmental Iowa board of substance  
3 abuse certification or a certified alcohol and drug counselor  
4 certified by the nongovernmental Iowa board of substance abuse  
5 certification, either of whom has met the requisite continuing  
6 education requirements for treatment of such conditions, if the  
7 diagnosis is reviewed and agreed to by a licensed mental health  
8 professional as defined in section 228.1, while practicing  
9 within the professional's scope of practice.

10 2. For purposes of this section, unless the context  
11 otherwise requires:

12 a. "*Pathological gambling*" means a pattern of persistent  
13 maladaptive behavior consistent with diagnostic criteria in the  
14 most recent version of the diagnostic and statistical manual of  
15 mental disorders of the American psychiatric association or in  
16 a comparable professionally recognized diagnostic manual.

17 b. "*Problem gambling*" means a pattern of gambling behavior  
18 which may compromise, disrupt, or damage family, personal, or  
19 vocational pursuits.

20 Sec. 7. NEW SECTION. 229.10A Mental illness — diagnosis.

21 A mental illness may be diagnosed by a licensed mental health  
22 professional as defined in section 228.1 while practicing  
23 within the mental health professional's scope of practice.  
24 Such diagnosis shall be consistent with diagnostic criteria  
25 consistent with the most recent version of the diagnostic  
26 and statistical manual of mental disorders of the American  
27 psychiatric association or in a comparable professionally  
28 recognized diagnostic manual.

29 Sec. 8. Section 230A.16, Code 2009, is amended by adding the  
30 following new subsection:

31 NEW SUBSECTION. 5. Require that a licensed mental health  
32 professional, as defined in section 228.1, performs the  
33 diagnostic functions for a center, while practicing within the  
34 professional's scope of practice, and appropriately supervises  
35 the center staff who are not licensed to perform the diagnostic

1 functions.

2 Sec. 9. Section 411.6, subsection 16, paragraph a,  
3 subparagraph (1), Code Supplement 2009, is amended to read as  
4 follows:

5 (1) The disability would not exist but for the member's  
6 ~~chemical dependency~~ substance-related disorder, as defined  
7 in section 125.2, on a schedule I controlled substance,  
8 as defined in section 124.204, or the member's ~~chemical~~  
9 ~~dependency~~ substance-related disorder on a schedule II  
10 controlled substance, as defined in section 124.206, resulting  
11 from the inappropriate use of the schedule II controlled  
12 substance.

13 EXPLANATION

14 This bill relates to the diagnosis of substance-related  
15 disorders and problem gambling or pathological gambling  
16 disorders.

17 The bill repeals the definition of "chemical dependency"  
18 in Code chapter 125 relating to chemical substance abuse and  
19 replaces it with the definition of "substance-related disorder"  
20 defined as either the abuse of or dependence on a substance  
21 that is consistent with diagnostic criteria in the most recent  
22 version of the diagnostic and statistical manual of mental  
23 disorders of the American psychiatric association or in a  
24 comparable professionally recognized diagnostic manual.

25 The bill provides that a diagnosis of a substance-related  
26 disorder may be made by a certified alcohol and drug counselor  
27 certified by the nongovernmental Iowa board of substance abuse  
28 certification if the diagnosis is reviewed and agreed to by a  
29 licensed mental health professional as defined in Code section  
30 228.1, while practicing within the professional's scope of  
31 practice. The bill also provides that a mental illness may  
32 be diagnosed by a licensed mental health professional as  
33 defined in Code section 228.1 while practicing within the  
34 professional's scope of practice. Such diagnosis shall be  
35 consistent with diagnostic criteria in the most recent version

1 of the diagnostic and statistical manual of mental disorders.  
2 The bill provides that a diagnosis of either problem  
3 gambling or pathological gambling may be made by a certified  
4 gambling counselor certified by the nongovernmental Iowa board  
5 of substance abuse certification or a certified alcohol and  
6 drug counselor certified by the nongovernmental Iowa board  
7 of substance abuse certification, either of whom has met the  
8 requisite continuing education requirements of treatment of  
9 such conditions, if the diagnosis is reviewed and agreed to  
10 by a licensed mental health professional as defined in Code  
11 section 228.1 while practicing within the professional's scope  
12 of practice. The bill defines "problem gambling" as a pattern  
13 of gambling behavior which may compromise, disrupt, or damage  
14 family, personal, or vocational pursuits, and "pathological  
15 gambling" as a pattern of persistent maladaptive behavior  
16 consistent with diagnostic criteria in the most recent version  
17 of the diagnostic and statistical manual of mental disorders.  
18 The bill amends Code section 230A.16, relating to  
19 establishment of standards for community mental health  
20 centers, by adding a requirement that a licensed mental health  
21 professional, as defined by Code section 228.1, perform the  
22 diagnostic functions for a center within the professional's  
23 scope of practice and appropriately supervise the center staff  
24 who are not licensed to perform the diagnostic functions.  
25 The bill also makes a conforming change in Code section  
26 411.6 relating to the change in terminology from "chemical  
27 dependency" to "substance-related disorder" in Code chapter  
28 125.